

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

November 27, 2007

9:30 AM

OPEN SESSION

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:33 AM by Chairman Richard Pawelko.
2. ROLL CALL - Board Members in Attendance: Sheila Bowen, Dawn Garcia, Stuart Lane, Richard Pawelko, Chet Pearson, Robert Roos, Susan Schaefer Kliman, and Ronald Starling. Absent: Karen Cesare. Board Staff: Ronald Dalrymple, LaVern Douglas, Kathryn Fuller, Lisa Lawhorn, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Terrie Sanders.

Mr. Pawelko excused himself after Agenda Item 8.1 and Ms. Bowen took over as Chair for the remainder of the meeting.

3. CALL TO THE PUBLIC – No members of the public spoke.
4. ADOPTION OF MINUTES – Ms. Bowen moved to approve the October 23, 2007 minutes with minor corrections. Ms. Garcia seconded. Motion Carried.
5. ENFORCEMENT MATTERS  
**Review, Consideration and Possible Vote on the following:**
  - A. Proposed Dismissals
    1. M06-153 Barbara Stocklin, Nonregistrant – This matter was tabled.
  - B. Proposed Letter of Concern
    1. M07-098 Richard N. Keizer, P.E. (Structural) #30046 – Mr. Starling moved to issue a Letter of Concern to Respondent regarding Respondent's failure to note an error between the structural calculations and the structural plans pertaining to the size of Beam #5 on Sheet S4. Ms. Garcia seconded. After Discussion, Motion Carried.

**C. Proposed Consent Agreements**

1. M05-227 and M06-271 Philip Wayne Rosendahl, P.E. (Civil) #24718, R.L.S. #24532

1.a.M05-227 Philip Wayne Rosendahl, P.E. (Civil) #24718

1.b.M06-271 Philip Wayne Rosendahl, R.L.S. #24532

Ms. Bowen moved to accept Respondent's signed consent agreement for 5.C.1., 5.1.a, and 5.1.b, encompassing the following Order: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of 5,000.00; Professional Education: Respondent shall take and successfully complete a course in the area of geotechnical engineering; Amend Survey: Respondent shall amend and record the survey; Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$1,785.00. Ms. Garcia seconded. After discussion, Motion Carried.

2. M07-028 AKA Architecture, LLC – Dr. Schaefer Kliman moved to accept Respondent's signed consent agreement encompassing the following Order: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$500.00 and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$75.00. Mr. Starling seconded. After discussion, Motion Carried.

3. M07-093 M.E. Evans & Associates, Inc. – Ms. Bowen moved to accept Respondent's signed consent agreement encompassing the following Order: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$800.00 and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$75.00. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

4. M07-097 Yurkovic Design, Inc. – Dr. Schaefer Kliman moved to accept Respondent's signed consent agreement encompassing the following Order: Assurance of Discontinuance: Respondent shall discontinue offering architectural services in the State of Arizona without firm registration; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$2,000.00; Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$200.00. Mr. Lane seconded. After discussion, Motion Carried.

5. M07-110 Shreeve GPS Services, LLC – Ms. Garcia moved to accept Respondent's signed consent agreement encompassing the following Order: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$500.00 and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$75.00. Mr. Lane seconded. After discussion, Motion Carried.

**D. Proposed Peer Reviewer**

1. M05-174 and M06-293 Raad M. Salih, P.E. (Civil) #34016 – Ms. Garcia moved to accept Hassan Elsaad, P.E. (Civil) #23223 as a peer reviewer for civil grading and drainage projects for Respondent. Dr. Schaefer Kliman seconded. After discussion, Motion failed.

Mr. Lane moved to direct Respondent to provide additional peer reviewers whose predominate practice is with grading and drainage projects. Ms. Bowen seconded. After discussion, Motion Carried.

**6. HOME INSPECTOR ENFORCEMENT MATTERS**

**Review, Consideration and Possible Vote on the following:**

**A. Proposed Consent Agreements**

1. M05-033 Geary G. Morris, CHI #38596 – Mr. Lane moved to accept Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$250.00; Open Book Test: Respondent shall take and complete an open book test of the Board's Statutes and Rules within 30 days, passing with a 100% score; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$208.00. Ms. Bowen seconded. After discussion, Motion Carried.

2. M06-073 Nolan C. Udall, CHI #38747 – Mr. Lane moved to accept Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand and Voluntary Surrender: Respondent agrees to voluntarily surrender his CHI #38747. Ms. Bowen seconded. After discussion, Motion Carried.

**7. DRUG LABORATORY ENFORCEMENT MATTERS**

**Review, Consideration and Possible Vote on the following:**

**A. Proposed Consent Agreement**

1. DL08-002 Helping Hand Restoration, L.L.C. (Nonregistrant) – Mr. Pearson moved to accept Respondent's signed consent agreement encompassing the following Order: Assurance of Discontinuance: Respondent shall not advertise or offer to practice meth lab clean up services without Firm registration; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$1,000.00; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$142.00. Ms. Garcia seconded. After discussion, Motion Carried.

**8. Review, Consideration and Possible Vote on the following:**

**EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION**

**1. Timothy Lincoln – P.E. (Electrical)**

Mr. Pawelko moved for the Board to go into executive session. Mr. Lane seconded. Motion Carried. The Board went into executive session at 10:48 AM and came back into regular session at 11:04 AM

Ms. Garcia moved to grant Mr. Lincoln's application for P.E. (Electrical) registration. Ms. Bowen seconded. After discussion, Motion Carried.

**2. Merrill Walstad – P.E. (Structural) – Mr. Starling moved to grant Mr. Walstad's application. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.**

**3. Sidney Cranston – P.E. (Civil) – Mr. Cranston was present and addressed the Board. Ms. Bowen moved to deny Mr. Cranston's application. Mr. Starling seconded. After discussion, Motion Carried.**

**9. Review, Consideration and Possible Vote on the following:**

**EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (LIST AVAILABLE AT BOARD OFFICE)**

- 1. Granting of professional or in training registration**
- 2. Approval to sit for the professional or in training examination**
- 3. Recommendation for denial of the professional or in training registration**
- 4. Recommendation for denial of the professional or in training examination**

Mr. Lane moved to accept the committee and staff recommendations listed in items 9.1 through 9.4. Ms. Garcia seconded. Motion carried.

**10. Review, Consideration and Possible Vote on the following:**

- 1. Comity to Canadian PEs – Recommendation that regulated Canadian engineering applicants requesting registration in the State of Arizona be recognized as meeting the requirements of A.R.S. § 32-126(A)(1).**

Mr. Starling opened the discussion regarding comity to Canadian engineers, stating his research indicates while there is a difference in how the testing is administered during the Canadian educational process, the results are similar to those of the Accreditation Board for Engineering and Technology ("ABET"), Engineer-In-Training ("EIT"), and National Council of Examiners for Engineering and Surveying ("NCEES") testing requirements in Arizona. Several motions were presented with amendments which resulted in the following:

Mr. Starling moved to allow the Board to recognize an applicant from Canada who has met the accreditation of the Canadian schools and acquired the Canadian Professional Engineer designation ("PEng") through the normal process (no comity) as being equivalent to ABET, EIT, and NCEES (FE) exams and, therefore, meeting the Arizona testing requirements. This will allow Canadian applicants to proceed to the review process by staff and Board to determine if Arizona registration is recommended. Mr. Lane seconded. Motion Carried.

**11. Review, Consideration and Possible Vote on the following:**

1. National Council of Architectural Registration Boards ("NCARB") Requirement of the Intern Development Program ("IDP") completion prior to allowing the candidate access to the Architect Registration Exam ("ARE"). This matter was tabled.

**12. Review, Consideration and Possible Vote on the following:**

1. Storm Water Pollution Prevention Plans – Mr. Starling moved to accept the Legislation and Rules Committee's recommendation in its July 18, 2006

Memorandum which states:

"The Legislation and Rules Committee met on May 16, 2006 and discussed Item 8 on the agenda, Storm Water Pollution Prevention Plans (SWPPP). Our position is as follows:

1. SWPPP are intended to be general guidelines that direct the contractor in construction regarding erosion control and prevention of sediment transport. Typical documents include treatments such as slope treatments, bank protection, swale treatments, check dams, and silt fence. These plans are also meant to be basic guidelines that can be, and are, modified in the field by the contractor or owner in conformance with the general guidelines.
2. If a registrant prepared the SWPPP, the registrant should seal the plans because the document is considered a professional work product.
3. An owner-operator, who is a non-registrant, can also prepare these documents, according to the general requirements of the SWPPP."

Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

2. City of Scottsdale – Notarization of Seal to Release Plans – After discussion of the matter, the Board agreed this matter is a political issue and the City can require a notarization on a release.

**13. DIRECTOR'S REPORT**

Proposed Rule Changes R4-30-304

Expiration Date on Seals

The Rule package is before the Governor's Regulatory Review Council ("GRRC") for final review and should be on the GRRC's January 8, 2008 meeting.

14. BOARD CHAIR'S REPORT (given on behalf of the Board Chair by Dr. Schaefer Kliman) Mr. Pawelko and Dr. Schaefer Kliman traveled to Ciudad Obregon, Sonora Mexico, to witness Governor Napolitano signing the Memorandum of Understanding ("MOU") between Arizona and Sonora Mexico. Based on the signing of the MOU, Arizona granted nine (9) Sonora Architects and Mr. Chuck Albanese and Dr. Schaefer Kliman were granted Sonora registration.

15. FUTURE BOARD MEETINGS – Tuesday, December 18, 2007 at 9:30 AM

16. FUTURE AGENDA ITEMS – None requested at this time.

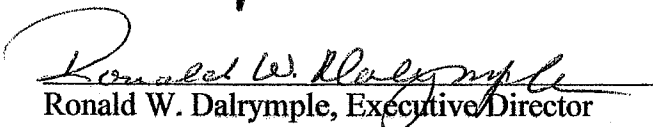
17. ADJOURNMENT – Meeting adjourned at 11:55 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



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Richard Y. Pawelko, Chairman



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Ronald W. Dalrymple, Executive Director